

CITY OF LAS VEGAS, NEW MEXICO

Ordinance No. 21-14

AN ORDINANCE TO AMEND the Code of the City of Las Vegas by repealing the existing Article VIII “Operation of Bicycles” and replacing it with a new Article VIII entitled “Operation of Bicycles and Play Vehicles”. This Ordinance is enacted pursuant to Sections 2.02 of the City of Las Vegas Municipal Charter, and is an exercise of the City of Las Vegas home rule powers.

BE IT ENACTED by the Governing Body of the City of Las Vegas as follows:

Section 1. The Code of the City of Las Vegas, Article VIII, Sections 12-8-1 through 12-8-23 are hereby repealed and replaced with a new Article VIII entitled “Operation of Bicycles and Play Vehicles” to read as follows:

§12-8-1 Definitions.

For purposes of this Article VIII, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BICYCLE shall mean every device propelled by human power, upon which any person may ride, having two tandem wheels either of which is more than sixteen inches in diameter.

BICYCLE LANE shall mean a portion of a Roadway which has been designated by pavement markings and, if used, indicating the preferential or exclusive use by bicycles.

OWNER shall mean any person or entity who holds legal title to a bicycle or if the bicycle is the subject of a lease, sharing arrangement or an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then such lessee, conditional vendee or mortgagor shall be deemed the owner, which shall include without limitation the borrower of the bicycle in said sharing arrangement.

PLAY VEHICLE shall mean tricycles, unicycles, skateboards, hoverboards, scooters, rollerskates, rollerblades, electronically propelled bicycle and any other wheeled conveyance, whether motorized, non-motorized, propelled electrically, alternatively or human propelled.

ROADWAY shall mean the portion of a right-of-way improved, designed or ordinarily used for vehicular travel.

SHOULDER shall mean the portion of a Roadway contiguous with the traveled way for accommodation of stopped road vehicles, for emergency use, and for lateral support of sub-base, base and surface courses.

SIDEWALK shall mean the portion of a Roadway designed for preferential or exclusive use by pedestrians.

§12-8-2 Applicability. The provisions of this Article VIII shall apply to any and all Bicycles and Play Vehicles, but are not applicable to persons confined or restricted to a wheelchair of similar conveyance, baby strollers being used to transport infants and toddlers, or law enforcement purposes. Play Vehicles shall not be operated on Roadways that are not owned by the City. Permission to operate a Bicycle or Play Vehicle on any Roadways not owned by the City, but located within the City limits, must be obtained from the Roadway's owner, including without limitation state roads, county roads and private roads.

§ 12-8-3 Effect of regulations.

A. The parent or guardian of any person under the age of eighteen years shall not authorize or permit any such person under the age of eighteen years to violate any of the provisions of this Article VIII.

B. These regulations applicable to Bicycles shall apply whenever a Bicycle is operated upon any Roadway or upon any path set aside for the exclusive use of Bicycles subject to those exceptions stated herein.

C. It is a penalty assessment misdemeanor for a person to do any act forbidden or fail to perform and act required by Sections 12-8-1 through 12-8-16.

§ 12-8-4 Traffic regulations apply to persons riding Bicycles and Play Vehicles.

Every person operating a Bicycle or Play Vehicle upon a Roadway shall be granted all of the rights and shall be subject to all of the duties as provided in applicable New Mexico State law.

§ 12-8-5 Operating Bicycles and Play Vehicles.

A. A person shall not operate a Bicycle or electronically propelled bicycle other than upon or astride a permanent and regular seat attached thereto.

B. No Bicycle or Play Vehicle shall be used to carry more persons at one time than the number for which it is designed and equipped.

C. No Bicycle or Play Vehicle shall be operated by any person who is under the influence of any alcohol or other substance that would impair the operator to the slightest degree.

D. No Bicycle or Play Vehicle shall be operated by any person in an area that has been determined to be free from Bicycles and Play Vehicles, or contrary to the instruction of a law enforcement officer. The City may determine certain areas to be free from Bicycle and/or Play Vehicle usage, at the City's sole discretion. The City may prohibit the number of Bicycles and/or Play Vehicles permitted to travel within a close distance of each other. The City may limit the hours of operation for Bicycles and Play Vehicles.

§ 12-8-6 Attaching to vehicles.

No person riding upon any Bicycle, coaster, sled, toy vehicle or Play Vehicle shall attach the same, themselves or others to any vehicle upon a Roadway.

§ 12-8-7 Operating on Roadways and Bicycle Lanes.

A. Every person operating a Bicycle or Play Vehicle upon a Roadway shall ride as near to the right side of the Roadway as practicable, exercising due care when passing a parked vehicle or one proceeding in the same direction. No person shall operate a Bicycle or Play Vehicle upon a Roadway, alley, City property or public property if such operation creates a traffic hazard or

impedes the free flow of traffic. The operation of Play Vehicles is limited to those Roadways whose posted speed limit is twenty miles per hour or less and those Roadways which are owned by the City.

B. Whenever a Bicycle Lane has been provided adjacent to a Roadway, riders of Bicycles and Play Vehicles shall use such path and shall not use the Roadway.

C. No person shall ride a Bicycle or Play Vehicle against the flow of traffic.

§12-8-8 Yield Right of Way.

A person operating a Bicycle or Play Vehicle on a sidewalk or shared-use path shall yield the right-of-way to pedestrians, and shall otherwise operate the Bicycle or Play Vehicle in a safe and lawful manner.

§12-8-9 Speed.

No person shall operate a Bicycle or Play Vehicle at a speed greater than the posted speed limit or at a speed greater than is reasonable and prudent under the existing conditions.

§12-8-10 Emerging from alley, driveway or other non-Roadway.

A. The operator of a Bicycle or Play Vehicle emerging from an alley, driveway, building or other non-Roadway shall yield the right-of-way to all other approaching traffic, including without limitation pedestrians, vehicles, Bicycles and Play Vehicles.

B. The operator of a Bicycle or Play Vehicle entering a Roadway shall yield the right-of-way to all other approaching traffic, including without limitation pedestrians, vehicles, Bicycles and Play Vehicles.

§12-8-11 Parking.

No person shall park a Bicycle or Play Vehicle upon a sidewalk, Roadway, alley or private property: (i) without prior consent of the property owner, (ii) in a manner that substantially impedes traffic, including without limitation pedestrians, vehicles, Bicycles and Play Vehicles, or (iii) obstructs access to public or private facilities. No entities subject to section 12-8-17 or 12-8-18 shall deploy a Bicycle or Play Vehicle within fifty yards of an establishment that sells or serves alcohol, cannabis or cannabis products.

§ 12-8-12 Carrying articles.

No person operating a Bicycle or Play Vehicle shall carry any package, bundle, or article which prevents the operator from keeping at least one hand upon the handlebar or other steering mechanism, if such handlebar or steering mechanism exists.

§ 12-8-13 Lamps and other equipment on Bicycles and Play Vehicles.

A. Every Bicycle or Play Vehicle, subject to sections 12-8-17 or 12-8-18, when in use at nighttime shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least 500 feet to the front and with a red reflector on the rear, of a type approved by the State of New Mexico as found in NMSA 66-3-707, which shall be visible from all distances from 50 feet to 300 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle. A lamp emitting a red light visible from a distance of 500 feet to the rear may be used in addition to the red reflector. Operators of unicycles, skateboards, hoverboards, rollerskates, and rollerblades subject to 12-8-17 or 12-8-18 shall comply with this section 12-8-

13 by attaching the lamps described above on the front and rear of the head or torso of the operator.

B. No person shall operate a Bicycle or Play Vehicle, excluding unicycles, skateboards, hoverboards, rollerskates and rollerblades, unless it is equipped with a bell or other device capable of giving a signal audible for a distance of at least 100 feet, except that a Bicycle or Play Vehicle shall not be equipped with, nor shall any person use upon a Bicycle or Play Vehicle any siren or unreasonably loud whistle.

C. Every Bicycle and Play Vehicle, excluding unicycles, skateboards, hoverboards, rollerskates and rollerblades, shall be equipped with a brake which will enable the operator to make the brake wheels skid on dry, level, clean pavement.

§ 12-8-14 Obedience to traffic laws.

A. Any person operating a Bicycle or Play Vehicle shall obey the instructions of official traffic-control devices applicable to vehicles, and all other laws applicable to a driver of a vehicle except as to those provisions of law which by their nature can have no application.

B. Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a Bicycle or Play Vehicle shall disobey the direction of any such sign, except where such person dismounts from the Bicycle or Play Vehicle to make any such turn, in which event the person shall then obey the regulations applicable to pedestrians.

§ 12-8-15 Riding on sidewalks.

A. No person shall ride a Bicycle or Play Vehicle upon a sidewalk in an area where business doors are adjacent to the sidewalk or where the operation would be hazardous to persons entering or exiting a business.

B. No person shall ride a Bicycle or Play Vehicle on any sidewalk or Roadway when signs are posted prohibiting such operation on the sidewalk or Roadway.

D. Whenever any person is operating a Bicycle or Play Vehicle upon a sidewalk, the person shall yield the right of way to any pedestrian and shall give audible signal before overtaking or passing a pedestrian.

§ 12-8-16 Impounding unattended Bicycles and Play Vehicles.

A. Whenever any Bicycle or Play Vehicle is found abandoned by a police officer, the police officer is authorized to remove the Bicycle or Play Vehicle to an authorized location as determined and designated by the Police Department.

B. Before the owner or person entitled to possession of any legally impounded Bicycle or Play Vehicle shall be permitted to remove it from the custody of the Police Department, he shall furnish evidence of identity and ownership of the Bicycle or Play Vehicle.

§12-8-17 Shared Transportation.

A. When operating within the City, every entity offering or managing Bicycles or Play Vehicles as part of shared active transportation service, including without limitation bike-share programs and electric scooter-share programs, must comply with the requirements in this Article VIII.

§12-8-18 Registration required.

The text of this Section 12-8-17 through 12-8-18 shall only apply to shared transportation services.

A. Every entity operating a shared transportation program within the City limits must have an active city business license.

B. Prior to offering any Bicycle or Play Vehicle in a shared transportation context, such offeror shall provide the following to the City:

1. Proof of liability insurance that names the City as an additional insured, and demonstrating minimum coverage as required by the City;

2. The contact information of a locally-based manager or operations staff member who shall be responsible for responding to City requests, emergencies or other issues at any time.

3. A listing of every location where the shared mobility stations are to be placed.

C. For all non-publicly funded programs, the City shall charge a fee for the following items, with all funds collected herein to be used for infrastructure improvements and the City's costs to maintain and oversee any shared transportation.

1. Each permit application.

2. An annual fee for operation of a shared transportation service providers being payment to the City in an amount equal to \$.05 per ride engaged within the City limits, paid to the City on a quarterly basis.

D. Each initial City approval shall be valid for a period of three years, and, upon approval of the City, may be renewed in one-year increments. The City shall conduct a compliance review of any shared transportation entity at the City's sole discretion. Any shared transportation entity found to be in violation of this Article VIII may have its business license and permit revoked in the sole discretion of the City.

E. It is unlawful for any shared transportation entity to offer or manage Bicycles or Play Vehicles within the City limits except in conformance with this Article VIII.

F. Entities operating shared transportation services within the City limits shall comply with the following regulations. Non-compliance may result in the revocation of their business license and permit.

1. All portions of this Article VIII.

2. Damaged, abandoned or improperly placed Bicycles or Play Vehicles shall be removed within two hours of the local contact person being notified of the improper placement. Failure to remove such Bicycles or Play Vehicles shall incur a fine per occurrence. Every Bicycle or Play Vehicle shall have the ability to be remotely disabled in the case that it is reported to be damaged or unsafe for use.

3. The City shall have the right to require the temporary removal of all Bicycles and Play Vehicles from specific locations in the event of emergencies, special events, maintenance or other matters in the City's sole discretion. Removal in such situations shall take place within eight hours of the City's notice being given.

4. The City shall have the right, but not the obligation, to remove any abandoned, unattended or improperly placed Bicycle or Play Vehicle that is, in the sole discretion of the City, a safety hazard or an impediment to access ensured by the Americans with Disabilities Act. The City's removal and storage in such circumstances shall incur a fine per occurrence and storage per day. Each day the Bicycle or Play Vehicle is not retrieved shall incur an additional fine.

5. All operators of Bicycles and Play Vehicles shall wear a helmet, and the shared transportation service provider shall provide a helmet for every operator of such Bicycle or Play Vehicle.

6. All Bicycles or Play Vehicles must have, and clearly display, a unique, permanent identification number, as well as a visible customer service phone number.

7. For all motorized or electric-assisted Bicycles and Play Vehicles, the maximum speed shall be twenty miles per hour.

8. Each shared transportation entity shall sign a writing agreeing to defend, hold harmless and indemnify the City and any and all officers, employees or agents of the City relating to any liabilities, injuries or damages that may arise from the entity's operation of its shared transportation services within the City limits.

9. Each shared transportation entity shall require each person who uses the shared transportation services within the City limits to sign an agreement which shall include the following provisions: (i) to defend, hold harmless and indemnify the City and any and all officers, employees or agents of the City relating to any liabilities, injuries or damages that may arise from the operator's use the shared transportation services within the City limits, (ii) each operator shall forever waive any claims against the City arising out of the design, construction, maintenance, repair or dangerous conditions of the City's Roadways, (iii) by choosing to ride a Bicycle or Play Vehicle, the operator assumes all responsibilities and risk for any and all injuries, damages and/or medical conditions, (iv) every and all operators shall forever waive any class action rights they may have regarding the use of the shared transportation services, and (v) all disputes arising out of or in connection with any operators use of the shared transportation services shall be finally settled pursuant to binding arbitration by one or more arbitrators pursuant to the rules of the American Arbitration Association.

Shared transportation fee and fine schedule:

Initial permit application fee \$500.00, each successive permit application fee of \$250.00

Annual fee of operation shall be an amount equal to \$0.05 for each ride started within the City limits, with said amount being paid to the City on a quarterly basis

Failure to remove such Bicycles or Play Vehicles fine of \$50.00

Fine for City storing Bicycle or Play Vehicle per day of \$50.00

Section 2. Severability. The provisions of this ordinance are declared to be severable, and if any portion of this ordinance, for any reason, is held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance.

Section 3. Effective Date. This ordinance shall become effective upon the execution by the Mayor and the affirmative vote of the majority of the Governing Body.

PASSED, ADOPTED and ENACTED this 14th day of July, 2021.



Mayor Louie A. Trojillo

ATTEST:



Casandra Fresquez, City Clerk

Reviewed and approved as to legal sufficiency only:



Scott Aaron, City Attorney